THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

WP No.7808/2001

Dt.29-8-2007

1. P.Kondal Reddy and three others.

..Petitioners

Vs.

1.Government of Andhra Pradesh, represented by its Secretary Department of Municipal Administration, Secretariat, Hyderabad and another.

..Respondents.

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

WP No.5976/2001

Oral Order:

The petitioners, four, in number complaining the highhanded action of the second respondent in seizing the vehicles of the petitioners' and demolishing the structures on 18-4-2001 without issuing any notice, the present writ petition has been filed.

The case of the petitioners is that they entered into an agreement of sale with one Bashaboina Mallesha and his brothers on 5-7-2000 to purchase an extent of Ac.3-29 guntas of agricultural land in S.No.133 situate at Yapral village, now under Alwal Municipality, Malkajgiri, Ranga Reddy District; that on 3-3-2001 the Assistant Engineer, Hyderbad Lakes and Water Bodies Management issued a certificate addressing their one of the vendors on his application for FTL clearance certificate stating that the land in question never effect by the water of Ooora Cheru (Kapra); that the Mandal Revenue Officer, Keesara Mandal, Ranga Reddy District on the application of B.Mallesh, addressed a letter to the Vice Chairman, Hyderabad Urban Development Authroity, Hyderabad stating that land in S.No.133 admeasuring Ac.3-29 guntas of Yapral village is not within the FTL limited or Oora Cheru (Kapra) and that the land never effect by the water of Oora Cheru (Kapra); that the second respondent on 18-4-2001 trespassed into their land and demolished the structures therein and seized their vehicles without issuing any notice, and got registered a case in Cr.No.186/2001 under Sec. 186 and 447 IPC against the petitioners, which is arbitrary and illegal.

This court by order dt. 18-3-2002 restrained the respondent No.2

from entering into the petitioners' land and obstructing their possession.

Though notice was served on the second respondent on 16-4-2001, he has not chosen to put up his appearance.

In view of the same, the writ petition is disposed of directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioners' land in S.No.133, admeasuring Ac.3-29 guntas situate at Yapral (v) without due process of law. It is needless to say the respondent-Municipality can issue a notice specifying its right over the land in question and take appropriate action in accordance with law for due eviction of the petitioners, if they are encroachers of the property. No costs.

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A. GOPAL REDDY, J.

Dt.29-08-2007

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